



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)No.790 of 2019

and

C.M.P. (MD)No.6950 of 2019

1.The Registrar (i/c.,),
Anna University,
Sardar Patel Road,
Chennai - 600 025.

2.The Director,
Centre for Constituent Colleges,
Anna University,
Sardar Patel Road,
Chennai - 600 025.

3.The Dean (i/c.,),
Anna University Regional Campus
Tirunelveli,
Tirunelveli District.

:Appellants/Respondents

.vs.

Dr.E.Golden Julie

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.10496 of 2019, dated 27.04.2019.

Prayer in WP(MD). 10496/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, to call for the records pertaining to the impugned order in Memo No. 67551/PR21/09, dated 05.04.2019 on the file of the respondent No. 1 and quash the same as illegal and consequently to direct the respondent No. 1 to take back the petitioner to the Anna University Regional Campus, Tirunelveli from the Academic Year 2019-2020.

For Appellants

:Mr.K.Chellapandian

Additional Advocate General
for Mr.M.Rajarajan

For Respondent

:Mr.T.Lajapathi Roy



JUDGMENT

[Judgment of the Court was delivered by

K.RAVICHANDRABAABU, J.]

WEB COPY This writ appeal is directed against the order passed in W.P. (MD)No.10496 of 2019, dated 27.04.2019. The appellants are the respondents in the said writ petition.

2.The Writ Court allowed those writ petition to an extent indicated in the said order. The said writ petition along with connected Writ Petition in W.P.(MD)No.10497 of 2019 was disposed of by a common order.

3.Heard the learned Additional Advocate General appearing for the appellants.

4.Though the learned Additional Advocate General raised a point with regard to an observation made by the Writ Court in respect of seniority position of the writ petitioners, we are not inclined to entertain this writ appeal only on the reason that the order made by the Writ Court is based on consent given by the counsel appearing for the respondents therein, as observed at paragraph No.4 of the order, which reads as follows:-

"The learned counsel appearing for the respondents fairly submitted that due to communication gap, the impugned order came to be passed and hence, the same may be set aside and the matter may be remitted back to the first respondent for fresh consideration. He further submitted that while reconsidering the case, the seniority position of the petitioners will be taken into account, as directed by this Court in the order dated 18.02.2019 passed in W.P.(MD) Nos.2083, 2084 and 2358 of 2019, filed by the petitioners herein on earlier occasion."

5.Therefore, when a consent order is made as stated supra, we are of the view that the appellants are not entitled to file writ appeal and seek for hearing the matter on merits. If the appellants contend that the consent given is not to the effect as observed in the order, it is for them to go before the concerned learned Judge and seek for either review or clarification. Without doing so, we find that filing of the present writ appeal is not proper course of action.

6.With the above observation, this writ appeal is disposed of without expressing any view on the merits of the claim made by the appellants, as we find that the order passed by the Writ Court is a consent order. This order will not stand in the way of the



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appellants for seeking either review or clarification before the learned Judge, who passed the order impugned in this writ appeal. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.M.RAJARAJAN, Advocate SR-79308.

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